TRANSFER OF TWO CHIEF ENGINEERS OF PUBLIC WORKS DEPARTMENT.

*Q.—193 Sri M. C. NARASIMHAN (Kolar Gold Fields).—

Will the Government be pleased to state.—

(*a*) whether the two erstwhile Chief Engineers Shri Raju and Shri Manchigiah were asked to take leave or were transferred to some other Department ;

(*b*) the circumstances under which the above action was taken ;

(*c*) whether charges have been framed against one of the ex-Chief Engineers, *i.e.*, Shri Manchigiah and if so, the details ?

A.—Sri M. N. NAGHNOOR (Deputy Minister for Public Works).—

(*a*) Shri R. L. Raju and Shri M. H. Manchigiah, Chief Engineers, were transferred as Officers on Special Duty in the Revenue and the Commerce and Industries Departments respectively.

(*b*) On administrative grounds.

(*c*) It is *sub judice*.

CREATION OF TWO NEW POSTS OF OFFICERS ON SPECIAL DUTY IN REVENUE, COMMERCE AND INDUSTRIES DEPARTMENT.

*Q.—204. Sri J. VENKATAPPA (Sidlaghatta).—

Will the Government be pleased to state .—

the reasons to create new posts of Officers on Special Duty, one in the Revenue Department and the other in the Commerce and Industries Department ?

A.—Sri M. N. NAGHNOOR (Deputy Minister for Public Works).—

For administrative reasons, the two posts were created.

Sri J. VENKATAPPA.—May I know the importance of these two posts ?

†Sri M. N. NAGHNOOR.—It was for administrative convenience that these posts were created.

Sri J. VENKATAPPA.—May I know the importance of these new posts ?

Sri M. N. NAGHNOOR.—In the Revenue Department we have a huge programme to undertake construction of wells in view of the drought condition that prevails now and then and also because the Government of India have been handsome grants. Secondly, a new post was created in the Commerce and Industries Department because there also we have a huge programme to establish Industrial Estates and creation of an engineering cell in small scale industries.

Sri J. VENKATAPPA.—May I know the reason for posting these two engineers alone to those posts ?

Sri M. N. NAGHNOOR.—The Government thought that they are the suitable persons to deal with the matter.

ಶ್ರೀಮತಿ ಕೆ. ಎನ್. ನಾಗರತ್ನಮ್ಮ.—ಪ್ರಶ್ನೆ (a) ನಲ್ಲಿ ರಜವನ್ನು ತೆಗೆದುಕೊಳ್ಳ ಬೇಕೆಂದು ತಿಳಿಸರಾಯಿತೆ ಎಂದು ಕೇಳಿದ್ದಕ್ಕೆ ಏನು ಜವಾಬು ಬಂದಿಲ್ಲ. ರಜಾ ತೆಗೆದುಕೊಳ್ಳ ಬೇಕೆಂದು force ಮಾಡಲಾಯಿತೆ ?

ಶ್ರೀ ಎಂ. ಎನ್. ನಾಗನೂರು.—ಯಾರ ಮೇಲೂ force ಮಾಡಿಲ್ಲ.

Sri G. VENKATAI GOWDA.—In reply to (*c*) it is said that the matter is *sub judice*. May I know whether charges have been framed ? That does not amount to *sub judice*.

Sri M. N. NAGHNOOR.—A writ petition has been filed by the concerned officer and that is also a matter of issue.

Mr. SPEAKER.—The writ petition is in respect of charges.

Sri G. VENKATAI GOWDA.—Why not the Government say whether charges have been framed or not ? That will not amount to *sub judice*.

Mr. SPEAKER.—But the Hon'ble Members will not be allowed to put supplementaries on that.

Sri K. KENCHAPPA.—The Government cannot take shelter by saying that the matter contained in the writ petition is *sub judice*. If anything is said against the officer that will become *sub judice*. Here the question asked is whether charges have been framed and if so what are the charges. There is no question of trying to know whether the facts narrated in the writ petition are true or not.

Mr. SPEAKER.—The point is what is meant by '*sub judice*'. Whether any matter before the court on which the court has been called upon to adjudicate or give a decision, would become *sub judice* or not. If the charges are a matter on which the court is called upon to give a decision that becomes *sub judice*.

1-30 P.M.

Sri K. KENCHAPPA.—The contents of the charge sheet cannot be a matter of *sub judice* because it is a public document.

Mr. SPEAKER.—I have already said that any matter on which the court is called upon to give a decision is a matter *sub judice*. If these charges are before the High Court and the High Court is called upon to give a decision on them, then they are *sub judice*.

Sri C. J. MUCKANNAPPA.—We want to elicit information only on the charge sheet.

Sri K. PUTTASWAMY.—I understand the Speaker to mean that asking for information regarding whether the charges have been framed or not is not a matter which should be shut out from the purview of the question hour. If they have framed chargers, then we can ask what are the charges. Only if we begin to ask questions regarding the merit or demerit of the charges, we will be offending the rule if *sub-judice*

Mr. SPEAKER.—If there is a charge of inefficiency or delay or something like that, that very question is before the High Court. Therefore, I would say, "please do not tread upon this path". They can only ask the Government whether these are any charges against there officers.

Sri G. VENKATAI GOWDA.—And what are they ?

Mr. SPEAKER.—No, we cannot ask that.

Sri K. PUTTASWAMY.—Sir, it is not my intension to question the Chair's ruling. I was submitting something and then the Speaker intervened.. ...

Mr. SPEAKER.—I will hear him and then give a complete ruling on this point. I have not made up my mind. I am going to examine every thing and give a ruling. I will hold it over if he wants.

Sri K. PUTTASWAMY.—Not that I am submitting that the question should be held over. I was trying to explain.....

Mr. SPEAKER.—I will give him time. He is not the only person that wants to explain. Some others will also get up to explain and thus most of the question time will be wasted. I will hold over the question.

Sri B. K. PUTTARAMAIYA.-Some day you have to waste the time. So, why not do it today ?

Mr. SPEAKER.—The difference between today and some other day is that if it is some other day, having known the minds of the Members, I will look into all the authorities, come prepared and give a considered ruling on the point.

Sri C. M. ARUMUGHAM.—So far as that portion is concerned, you may hold it over but you may allow other supplimentaries.

Mr. SPEAKER.—No. Next question.

OPENING OF A CONTOUR CHANNEL OF VISVESVARAYA CANAL.

*Q.—235. Sri T. P. BORIAH (Kellegal).—

Will the Government be pleased to state.—

(*a*) whether a survey has been made for opening a contour channel for the benefit of ryots at the tail end of Thuruganur branch channel near Hulikere Tunnel of Visvesvaraya Canal ;